

**ASSEMBLY BILL**

**No. 2686**

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**Introduced by Assembly Member Tom Berryhill**

February 19, 2010

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An act to amend Section 306 of the Food and Agricultural Code, relating to the Department of Food and Agriculture, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2686, as introduced, Tom Berryhill. Department of Food and Agriculture: refunds.

Existing law provides that the Secretary of Food and Agriculture may authorize the refund of any money that is received by the Department of Food and Agriculture in the payment of any fee, assessment, or tax. Existing law also provides that if the secretary finds that the amount of any refund is less than \$10, as specified, the secretary may retain the amount for use for the same purpose for which the original payment was made, unless demand for the payment of a refund is made within 6 months after the determination that a refund is due, in which case, the refund shall be paid.

This bill would provide that the secretary may retain the refund for use for the same purpose for which the original payment was made, as specified, if he or she finds that the amount of the refund is less than \$25. Because some of the retained refunds would be deposited into continuously appropriated special funds, this bill would make an appropriation. The bill would also make other technical and clarifying changes.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 306 of the Food and Agricultural Code  
2     is amended to read:  
3     306. If the ~~director~~ *secretary* finds that the amount of any  
4     refund is less than ~~ten dollars (\$10) or an amount established~~  
5     ~~pursuant to Section 16302.1 of the Government Code~~ *twenty-five*  
6     *dollars (\$25)*, the ~~director~~ *secretary* may retain the amount for use  
7     for the same purpose for which the original payment was made,  
8     unless demand for the payment of a refund is made within six  
9     months after the determination that a refund is due. If a demand  
10    is made, the refund shall be paid.

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